

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

KENNETH J. MAGNUSON,

Plaintiff,

VS.

RYAN BOURGEOIS AND WELLS FARGO
BNA MORTGAGE INC. ET AL,

Defendants.

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CASE NO. 4:13CV412

**MEMORANDUM ADOPTING REPORTS AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE AND
ORDER OF DISMISSAL**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 12, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Entry of Final Judgment (Dkt. 25), seeking entry of judgment based on Plaintiff's failure to appear at a scheduling conference, be DENIED.

Then, on July 30, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (*see* Dkt. 11) be GRANTED in part and that Plaintiff's claims be dismissed without prejudice for want of prosecution and failure to comply with the court's orders.

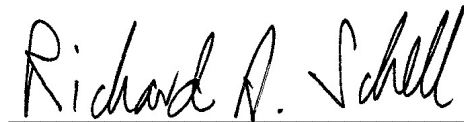
Having received the reports of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

Therefore, Defendant's Motion for Entry of Final Judgment (Dkt. 25), seeking entry of judgment based on Plaintiff's failure to appear at a scheduling conference, is DENIED. Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (*see* Dkt. 11) is GRANTED in part, and Plaintiff's claims are dismissed without prejudice for want of prosecution and failure to comply with the court's orders.

This matter shall be closed on the court's docket, and all costs shall be borne by the party incurring same.

IT IS SO ORDERED.

SIGNED this the 29th day of September, 2014.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE